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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Replacement of Part 90 by Part 88 to)
Revise the Private Land Mobile Radio)
Services and Modify the Policies)
Governing Them)

PR Docket No. 92-235

To: The Chief, Wireless Telecommunications Bureau

Emergency Motion For Freeze Of New Applications

Securicor Radiocoms Limited ("Securicor"), by its counsel, hereby files this Emergency Motion For Freeze of all applications for channels in the 150-174 MHz (VHF) and 421-512 MHz (UHF) bands, under the Commission's newly adopted channelization plan, available for licensing on August 18, 1996.

Securicor has been an active participant in this rulemaking proceeding and currently has a Petition For Reconsideration pending before the Commission addressing central elements of the channelization plan.¹ The Commission's decisions on reconsideration in this proceeding may impact the technical parameters and other issues relating to these applications. Therefore, acceptance of the applications will only serve to prejudice critical

¹Securicor Petition For Reconsideration filed August 18, 1995.

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issues before the Commission on reconsideration without any countervailing public interest benefit. The public interest is best served by a grant of this freeze which will allow the Commission to address all licensing and channelization issues in an unencumbered, comprehensive manner on reconsideration.

I. The Commission Has Already Recognized That Its Channelization And Licensing Plan For The 150-174 MHz and 421-512 MHz Bands Needs Adjustment To Satisfy Technical And Marketplace Issues.

Securicor is a leading developer of the highly-spectral efficient Linear Modulation technology. These 5 kHz LM systems represent state-of-the-art technology and their many spectral advantages are a matter of public record before the Commission in this proceeding. On June 15, 1995, the Commission adopted new channelization rules for the 150-174 MHz (VHF), and the 421-430 MHz, 450-470 MHz and 470-512 MHz (UHF) bands. At that time, the Commission adopted a narrowband channel plan and a transition schedule to be implemented through the type acceptance process.² That plan has been delayed due to technical and marketplace issues that are still not resolved and that are before the Commission on reconsideration.

Under the Commission's original proposal, all manufacturers were required to design new type accepted equipment to operate on channels of 12.5 kHz or less by August 1, 1996 and on channels of 6.25 kHz or less by January 1, 2005.³ In its Order, the Commission concluded that assignments of new channels 12.5 kHz removed in the UHF band would proceed. New

²*Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them*, 10 FCC Rcd 10076 (1995) (hereinafter "Order").

³Order at para. 38.

channels 7.5 kHz removed from any available channel in the 150-174 MHz band and 6.25 kHz removed from any available channel in the 421-512 MHz UHF bands would, however, not be available for licensing until August 18, 1996.⁴

In response to its Order, the Commission received twenty-four petitions for reconsideration and clarification of various issues and technical rules. The petitioners, including Securicor, collectively requested that the FCC reconsider virtually every significant element of the order, including among other things the band channelization plans.

By Order dated August 11, 1995, the Chief, Wireless Bureau put into effect an indefinite freeze on the filing of new high powered stations on 12.5 kHz offset channels in the 450-470 MHz band. On August 22, 1995 that freeze was extended to cover the 12.5 kHz offset channels in the 421-430 MHz and 470-512 MHz UHF bands.⁵ The freeze relating to these applications will remain in effect until "issues relating to proper coordination are resolved."⁶

Most recently, the Commission, on its own motion, recognizing that it has numerous petitions for reconsideration before it, including several that relate to type acceptance implementation dates, issued a temporary stay of the effectiveness of the August 1, 1996 transition date for type acceptance.⁷

⁴Order at para. 41.

⁵*Freeze on the Filing of Applications For 12.5 KHz Offset Channels in the 421-430 MHz and 470-512 MHz Bands*, 10 FCC Rcd 10958 (1995).

⁶*Id.*

⁷PR. Docket No 92-235, DA 96-1173, released July 23, 1996.

Accordingly, the *only* aspect of the Commission's channelization plan now set to go into effect on August 18, 1996, is the acceptance of licenses for the 150-174 MHz band and for licenses offset by 6.25 kHz in the 421-512 MHz band.

II. A Freeze Of All Applications Under The New Channel Plan Will Serve The Public Interest By Preventing A Piecemeal Approach To Channelization And Licensing And By Allowing The Commission To Address All Technical And Marketplace Issues In A Comprehensive Manner On Reconsideration

In this proceeding , the Commission has recognized that its "primary goal" is to develop an "*overall strategy*" for using the 150-174 MHz and 421-512 MHz bands "more efficiently to meet future communications requirements."⁸ Because the public interest is best served by the most efficient utilization of this spectrum, the current licensing scheduled for August 18, 1996 should be frozen until the Commission can address *all* the critical technical and marketplace issues on reconsideration. A piecemeal licensing approach will undermine the public interest with no countervailing benefit.

In addition, in its Report to the Full Committee, the Spectrum Requirements Subcommittee of the Public Safety Wireless Advisory Committee ("PSWAC") has recommended that PSWAC consider seeking the allocation of spectrum reclaimed by refarming of the VHF and UHF bands for public safety uses. This recommendation may be incorporated in the final PSWAC report to the FCC and NTIA due in September. PSWAC's recommendations, in turn, will be addressed by the FCC in its on-going Docket 96-86. Accordingly, acceptance of new applications for the reclaimed

⁸Order, at para. 2.

refarming spectrum in advance of the findings in Docket 96-86 may impact the FCC's ability to fully consider the PSWAC's recommendations.

As noted above, there are numerous petitions for reconsideration before the Commission covering a wide range of issues including the implementation dates for type acceptance and the central issue of channel spacing. These issues before the Commission are complex and interrelated. In just over one year the Commission has already been required to take several steps to adjust implementation and licensing schedules to accommodated "real world" needs. It is most likely that future amendments to the rules on reconsideration will, in fact, have a major impact on the applications now scheduled to be accepted beginning on August 18, 1996.

The current piecemeal approach to the channelization, licensing and type acceptance plan could have the effect of prejudging the outcome of important issues, including channel spacing, now before the Commission on reconsideration. Adhering to the current licensing schedule for August 18 will add an unnecessary level of confusion to the orderly administration of the new rules and will serve to cause an unnecessary complication in the reconsideration proceeding.

A delay in the licensing process will benefit existing licensees and applicants who have an overriding interest in the development of technical parameters that will result in the most efficient and effective utilization of the spectrum. Whatever minimal harm that may occur by the delay in the acceptance of applications will more than be overcome by the ultimate benefit

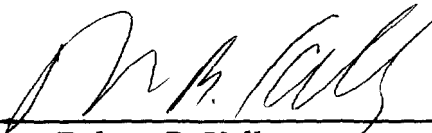
from a licensing and channelization plan that is comprehensive and coordinated.

III. CONCLUSION

In view of the foregoing, the Commission should freeze the filing of all applications, under its newly adopted channelization plan, in the 150-174 MHz and 421-512 MHz bands in order to address all technical and marketplace issues in a comprehensive and unencumbered manner on reconsideration.

Respectfully submitted,

SECURICOR RADIOCOMS LIMITED

By 
Robert B. Kelly

KELLY & POVICH, P.C.
1101 30th Street, N.W.
Suite 300
Washington, D.C. 20007
Telephone: (202) 342-0460
Its Counsel

Dated: August 14, 1996

Certificate of Service

I, Robert B. Kelly, an attorney in the law firm of Kelly & Povich, P.C., hereby certify that on this 14th day of August, 1996, I caused a true and complete photocopy of the foregoing "Emergency Motion" to be hand delivered to the following:

Michele C. Farquhar, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

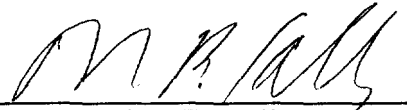
Rosalind K. Allen, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002

Gerald P. Vaughan, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002

Robert H. McNamara, Chief
Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8010-E

Herbert W. Zeiler, Deputy Chief
Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8010-D

Ira Keltz
Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8119


Robert B. Kelly